

Municipal Council Minutes
7:00PM Tuesday, April 8, 2008
Town Hall Auditorium

Call to Order 7:04PM

Pledge of Allegiance – Councilor Lavoie

Roll Call: Robert Gilday, Robert Lavoie, Allen Neale, Mary Chatigny, Stephen Dunford, Anne Ferguson, Roger Benson
Joseph McMilleon and Jonathan Sherwood excused absence.

Act on Minutes: February 12, 2008, March 11, 2008

Councilor Chatigny motioned to accept, Councilor Neale second – Voted Unanimous

Public Comment

J. Michael Greaney, 50 Orchard Street – Mr. Greaney is not in favor of the town buying the building on S. Hunt Road for town offices. He believes it should be kept for industry so the town can collect the taxes. He would prefer repairing the current town hall because of the convenient location downtown.

Alison Lindstrom, 10 Wells Ave. – Ms. Lindstrom states Amesbury has the highest tax rate, tax bill and foreclosures in the area. She also believes the Finance Committee can not limit residents to 2 minutes at public hearings.

Pamela Brown, Director Council on Aging – Ms. Brown spoke in favor of bill #2008-023.

Jane Snow, Fern Avenue – Ms. Snow asks about the status of Bailey Pond. She does not believe the town should have paid for a consultant to search for a new Fire Chief knowing they were going to appoint someone from within. Ms. Snow feels the Council should postpone the vote on \$60,000 for the transportation center 2003-023.

Mario Pinierio, Gardner Street – Mr. Pinierio spoke against reimbursing council members to attend the MMA conference and hiring a consultant to search for a new Fire Chief.

Dallas Haines, Newton Road – Mr. Haines spoke on the upgrade for the Water Treatment Plant and Water System improvements.

J. Michael Greaney, 50 Orchard Street - Mr. Greaney spoke in favor of the upgrade to the Water Treatment Plant stating it needs to be done.

Alison Lindstrom, 10 Wells Avenue – Ms. Lindstrom would like to see a cost analysis done before voting for \$60,000 from free cash to design municipal offices in the MVRTA Transportation Center.

Council Response to Public Comment

Councilor Lavoie responded to Ms. Lindstrom stating there is no 2 minute limit at the Finance Committee.

President Benson stated that the Professional budget for the Council has been overspent for years and will not apologize for using that line item for its intended use.

Councilor Gilday stated that Bailey Pond is still in litigation and will try to find out some information for Ms. Snow.

Councilor Neal motioned to take 2008-023 out of order, Councilor Lavoie second – Voted Unanimous

2008-023 An Order to Appropriate from Free Cash \$75,000 – Mayor Kezer sponsor
President Benson read 2008-023 into the record.

Kendra Amaral, Chief of Staff gave a presentation on the \$60,000 request for the design of municipal offices in the MVRTA Transportation Center (attached).

Councilor Neal read the recommendation of the Finance Committee to separate 2008-023 into three parts.

Councilor Ferguson moved the finance committee recommendation to divide 2008-023 and to approve 2008-023A, \$60,000 from free cash for the design of municipal offices in the MVRTA Transportation Center. Councilor Dunford seconded.

Roll Call Vote – 7-Yes Gilday, Lavoie, Neale, Chatigny, Dunford, Ferguson, Benson

Councilor Lavoie moved the finance committee recommendation to approve 2008-023B, \$10,000 from free cash for a consultant for the recodification of Amesbury's bylaws and ordinance per the city's Charter. Councilor Dunford seconded

Roll Call Vote – 7-Yes Gilday, Lavoie, Neale, Chatigny, Dunford, Ferguson, Benson

Councilor Ferguson moved the finance committee recommendation to approve 2008-023C, \$5,000 from free cash to supplement the classification and personnel study as submitted. Councilor Chatigny seconded.

Roll Call Vote – 7-Yes Gilday, Lavoie, Neale, Chatigny, Dunford, Ferguson, Benson

2008-027 Dough Raise Me, 4 Belmont St. – Common Victualler License

Erin Saltsman owner of Dough Raise Me could not attend the meeting.

Councilor Ferguson motioned to approve 2008-027 as submitted, Councilor Dunford second.

Roll Call Voted – Unanimous

2008-028 2008 Renewal – Junk Dealers License

Deco Reflections, 44 Market Street

Ashley & Barnes, Inc., 206 Elm Street

N.A. Nichols, Inc., Railroad Ave

Yesterday's Charms & Redesign, 87 Rear Elm Street

Embellishments, 35 Main Street, Unit 4

Fancy Schmancy, 41 Main Street

Councilor Lavoie motioned to accept 2008-028, Councilor Dunford second – Voted Unanimous

2008-029 2008 Renewal – Sunday/Weekday Pool

St. Jean Baptiste Club, 61-67 Main Street

Lafayette Club, 11 High Street

The Barn, 5 Ring Street

Polish National Alliance Inc., 14 ½ Mill Street

Councilor Neale motioned to accept 2008-029, Councilor Chatigny second – Voted Unanimous

2008-030 2008 Renewal – Sunday/Weekday Bowling

Lafayette Lanes, 11 High Street

Leo's Superbowl, 84 Haverhill Road

Councilor Chatigny motioned to accept 2008-030, Councilor Neale second – Voted Unanimous

Mayoral Appointments

2008-021 Appointment of David Penna – Cultural Council term to expire 6/30/10 cont.

Councilor Gilday motioned to continue to the May 13, 2008 council meeting, Council Ferguson second – Voted Unanimous

Second Readings

2008-011 Appropriate \$22,500,000 to upgrade the Water Treatment Plant – Mayor Kezer sponsor cont.

Councilor Neale read the recommendation of the Finance Committee to amend 2008-011 to read that \$15 million be appropriated to upgrade the water plant.

Councilor Lavoie read 2008-011 in full into the record:

Be it Ordered by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows:

Ordered: that \$15,000,000 is appropriated for the purpose of financing the upgrade of the Town's Water Treatment Plant, including without limitation all cost thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$15,000,000 and issue bonds or notes therefore under G.L. c.44 and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

Councilor Lavoie motioned to approve 2008-011 as amended, Councilor Neale second.

Roll Call Vote – Unanimous - 7-Yes Gilday, Lavoie, Neale, Chatigny, Dunford, Ferguson, Benson

2008-012 Appropriate \$5,076,000 for Water System Improvements – Mayor Kezer sponsor cont.
Councilor Lavoie read the following order in full and moved that the Municipal Council approve as submitted. Councilor Neale seconded.

Be it Ordered by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows:

Ordered: that \$5,076,000 is appropriated for the purpose of financing the following projects: (a) the rehabilitation of the Powow Street water storage tank, (b) the replacement of water mains on Elm Street, Route 150 and Highland Street and (c) the upgrade of and improvements to the Challis Hill water pump station, including without limitation all cost thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$5,076,000 and issue bonds or notes therefore under G.L. c.44 and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the projects.

Roll Call Vote – Unanimous - 7-Yes Gilday, Lavoie, Neale, Chatigny, Dunford, Ferguson, Benson

2008-015 An Order to Accept \$2,400 grant from the Provident Bank – Mayor Kezer sponsor cont.
President Benson read 2008-015 into the record.
Councilor Neale read the recommendation of the Finance Committee to accept as submitted.

Councilor Chatigny moved to accept 2008-015 as submitted, Councilor Dunford second
Roll Call Vote – 7 Yes Gilday, Lavoie, Neale, Chatigny, Dunford, Ferguson, Benson

2008-022 An Order to accept \$300 settlement for the Public Library – Atty General's Compact
Disc Antitrust Litigation – Mayor Kezer sponsor

President Benson read 2008-022 into the record.

Councilor Chatigny moved to accept 2008-022, the \$300.00 settlement resulting from the Compact
Disc Antitrust Litigation as submitted. Councilor Ferguson seconded.
Roll Call Vote – 7-Yes Gilday, Lavoie, Neale, Chatigny, Dunford, Ferguson, Benson

Correspondence

Proposed Whittier Regional Vocational Budget 2008-2009

Councilor Lavoie referred the Proposed Whittier Budget to the Finance Advisory Committee,
Councilor Neale second – Voted Unanimous

Councilor Lavoie moved for approval of the two resident Ordinance Committee members Len Johnson and Ward Graham, Councilor Neale second – Voted Unanimous

Councilor Lavoie moved for approval of the appointment of Jonathan Brickett as Fire Chief, Councilor Neale second – Voted Unanimous

Councilor Dunford motioned to adjourn 8:14PM, Councilor Neale second – Voted Unanimous
Respectfully Submitted
Assistant Town Clerk